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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 882,842	06 15 2001	Jozsef Tokes	LD 11642 GbC 2 0564	8771

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EXAMINER

HARPER, HOLLY R

ART UNIT PAPER NUMBER

2879

DATE MAILED: 02 12 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,842

Applicant(s)

TOKES ET AL.

Examiner

Holly R. Harper

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 9-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other.

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 9-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Applicant's amendment regarding claims 9-15 is considered moot because it is addressed to non-elected groups.

### *Claim Rejections - 35 USC § 102*

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Watson et al. (USPN 5,675,215) hereinafter "Watson".

In regard to claim 1, the Watson reference discloses a fluorescent lamp with a double helix (Column 1, Lines 8-10). The double helix tubes are formed around a central axis (Figure 2, Element 1). The double helix has a central section with an inner diameter larger than the inner diameter of the first end section. The Watson reference also discloses a lamp base for receiving the ends of the tube portions being disposed at the first end section (Figure 2).

In regard to claim 2, the Watson reference discloses a lamp with a double helix which has a second end section opposite the lamp base with an inner diameter smaller than the inner diameter of the central section (Figure 2).

In regard to claim 3, the Watson reference discloses that the diameter of the tube portions is substantially constant (Figure 2).

In regard to claim 4, the Watson reference discloses a cold chamber portion connecting the ends of the helix shaped tube portions (Figure 2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watson (USPN 5,675,215) in view of Gluhlampenwerk (DE 41 33 077 A1).

The Watson reference, addressed in the rejection of Claim 1, discloses a cold chamber portion connecting the ends of the helix shaped tube portions (Figure 2), but does not disclose that the transversal dimension of the cold chamber portion is larger than the diameter of the tube portions. The Gluhlampenwerk reference teaches that the transversal dimension of the cold chamber is larger than the diameter of the tube portions. This allows a larger cooling area which keeps the bent parts of the discharge vessel largely free from any mercury coating (Page 5, Lines 5-7 of the translation).

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to create a lamp where the transversal dimension of the cold chamber is larger than the diameter of the tube portions, as taught by Gluhlampenwerk, to keep the bent parts of the discharge vessel largely free from any mercury coating.

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson (USPN 5,675,215) in view of Morley (USPN 2,279,635).

In regard to claims 6 and 8, the Watson reference, addressed in the rejection of Claim 1, discloses a fluorescent lamp with double helix shaped tube portions, but it doesn't disclose an external envelope. The Morley reference discloses a coiled portion with an external envelope (Figure 1). The external envelope is used to provide additional protection to the inner envelope along with imparting transparent, translucent, or colored properties depending on the application for which it is designed (Column 1, Line 44- Column 2, Line 1). The envelope can be spherical or ellipsoidal in shape (Figures 1-4).

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate an external envelope around the double helix tube portion, as taught by Morley, in order to provide additional protection to the inner envelope along with imparting transparent, translucent, or colored properties.

Furthermore, Morley discloses that the outer envelope can have different shapes. A change in size is generally recognized as being within the level of ordinary skill in the art. Accordingly, it would have been obvious to one having ordinary skill in the art to vary the size of the external envelope, since such a modification would have involve a mere change in the shape of a component.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

Art Unit: 2879

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper  
Patent Examiner  
Art Unit 2879

